REMARKS/ARGUMENTS

The examiner has rejected claims 9-12 and 15 under 35 U.S.C. § 102(b) as being anticipated by Jones. In response to this rejection applicant has amended the claims to more particularly define the invention and to distinguish it over the cited reference. In this regard it is to be noted that amended claim 9 requires that the ceramic material of the coating is dispersed in a bonding agent as set forth in the paragraph bridging pages 3-4 of the specification wherein it is stated that the ceramic material is mixed up with the bonding agent to form a slurry which is then applied to the film base. Applicant submits that the presently amended claims are not anticipated by Jones for the reasons discussed below.

Jones requires that his film must have certain characteristics which are different from the required characteristics of applicant's invention. In particular, Jones requires that the coating which contains the oxides must be in a "glassy state" as set forth in column 2, line 55-56 wherein Jones states that "The first requirement is that the intermediate inorganic barrier coating must be in the glassy state". In this regard it is to be noted that Jones indicates that the glassy state means that the film is in an amorphous form, as opposed to a crystalline form (see column 2, lines 56-63).

In addition, Jones also requires that the inorganic coating must be **continuous** as opposed to a dispersion of particles. In this regard Jones states in column 3, lines 55-58 that "the continuous nature of the inorganic coatings may be described as substantially complete unbroken coverage of the entire surface by a glaze, rather than a dispersion or proliferation of particulate matter". It is thus clear that Jones considers that particles of oxide are not suitable for the inorganic coating. In particular Jones makes it clear in column 3, lines 61-64 that inorganic

materials deposited on the surface are not suitable because they are particulate in nature (see column 3, lines 61-64).

The continuous glassy coating is required by Jones because Jones requires a flexible material which is gas and liquid impermeable. Furthermore, Jones also requires transparency which is lost when particulate materials are used. In this regard Jones makes it clear in the paragraph bridging columns 3 and 4 that the desired optical clarity or transparency is achieved by using an inorganic glaze whereas particulate materials scatter the light and result in a haze.

It is clear from the above that Jones requires the above-noted transparent glaze in a continuous coating on the film in order to achieve the objectives of his invention. In contrast, the inorganic coating used in applicant's invention is formed on the film base from a slurry containing a bonding agent with the ceramic material mixed up (i.e., dispersed) therein. Thus, it is self-evident that the coating used in applicant's invention contains the ceramic material dispersed in a bonding agent as presently claimed in claim 9. This is clearly distinct from the non-particulate glaze of the continuous coating required by Jones.

In view of the above, it is now clear that Jones does not disclose or suggest applicant's invention. Accordingly, applicant submits that this rejection is no longer appropriate and must be withdrawn.

The only remaining rejection is the rejection of claims 9-15 under 35 U.S.C. § 103(a) as being unpatentable over Maki. In rejecting the claims the examiner urges that Maki discloses all of the claimed features except for the thickness of the pliable sheet and the thickness of the far infrared radiation layer 4. The examiner urges that in the absence of establishing criticality of the claimed thicknesses, one

skilled in the art would have found it obvious to optimize the thickness of the pliable sheet and of the coating. Applicant has carefully considered this rejection but it is most respectfully discussed for the reasons discussed below.

The thickness of the inorganic oxide coating is limited by the particle size of the inorganic material used to make the coating. Thus, if a very thin coating is required, one must avoid large size particles which would exceed the thickness of such a thin coating.

The particle size of the ceramic material used by Maki is too large to produce the claimed thickness in applicant's invention which is between 1-50 microns. In this regard it is to be noted that Maki discloses that the particles have a mesh size of 50 to 200. A mesh size of 50 to 200 will result in particles having a size range of 64 microns to 254 microns. Such large sized particles cannot be used to produce the thickness of one micron through 50 microns used in applicant's invention. Nonetheless the examiner urges that it would be obvious to optimize the thickness of the coating for the given application.

While it may be obvious to optimize the inorganic coating required by Maki for his application, such optimization will not lead one to applicant's invention and, in fact, Maki teaches against using particle sizes which would permit the formation of a coating having the thickness required by applicant's invention. In this regard applicant notes that Maki's objective is to produce a stuffed toy animal having a fur coating or the like which includes a sheet comprised of a far infrared radiation layer to make the stuffed toy feel warm like a living animal. Maki is not in any way concerned with providing a film which has the food keeping capability of applicant's invention. Thus, Maki uses a coating of inorganic material containing particles of a size which are optimized to obtain this particular benefit. He does

not choose the particle sizes of the inorganic material for optimizing the food keeping capability of the film since this is not one of Maki's objectives.

Maki indicates the desired particle size in column 2, lines 35-37. Maki further states in column 2, lines 40-42 that there are several factors which must be considered **to optimize the size of the particles**. Maki also states that these factors must be considered **along with the need to satisfy the feeling of the final product when held by a person** (see column 2, lines 46-48). Maki makes it absolutely clear in column 2, lines 48-50 that after considering the aforementioned criteria or factors, the particle sizes mentioned above are optimal. It is thus clear that any departure from the size of these particles (which, as noted above cannot be used to produce the thin coating required in applicant's invention) would be **a departure from the optimal**. Thus, contrary to the examiner's opinion, modifying the particle sizes required by Maki so that they are small enough to produce the thin film coating required by applicant's invention, would not be for optimizing the prior art. Just the opposite would be occurring.

Regarding the above the examiner is reminded that both the motivation and suggestion for modifying the prior art to arrive at the claimed invention must come from the prior art, not applicant's own disclosure. Clearly, since Maki requires much larger size particles to optimize his invention, it would not be obvious and there would be no motivation to depart from Maki's optimum particle sizes to use less optimum smaller sizes to obtain an entirely different objective (applicant's objective is to produce a film with food keeping capability whereas Maki is concerned with the warm feeling of a stuffed toy animal).

In view of the above, applicant submits that applicant's invention is not obvious over the disclosure of Maki. Accordingly, this rejection is no longer appropriate and should be withdrawn.

Lastly, applicant has added new method claims 16-22.

Method claim 16 pertains to a method for keeping food fresh. Support for claim 16 is found on page 3, lines 4-14. Since claim 16 requires the use of the film of claim 1, it is clear that the prior art references of record do not disclose or suggest this method.

New claim 17 depends from claim 16 and requires that the film is in the form of a package as set forth on page 5, lines 24-26. Claim 17 also requires the use of the film of claim 1 and is thus also distinguished over the art of record.

Claim 18 pertains to a method for ripening fruit. Support for claim 18 is found on page 5, lines 21-23. Claim 19 depends from claim 18 and further requires that the film is the form of a package as set forth on page 5, lines 24-26. Claims 18 and 19 require the use of the film of claim 1 and are thus distinguished over the art of record for the reasons noted above.

Claim 20 pertains to a method for roasting meat as set forth on page 6, lines 13-16. The method of claim 20 requires the use of the film of claim 13 and is thus distinguished over the art of record for the reasons noted above. In this regard it is to be noted that claim 13 depends from claim 1 and thus includes all of the limitations recited therein.

Claim 21 pertains to a method for applying decorative wallpaper to the walls of a room. Support for the subject matter of claim 21 is found on page 5, lines 12-13. This claim is also distinguished over the art of record since it requires the use of the film of claim 1.

Claim 22 is directed to a method for enhancing the heat insulating characteristic of a blanket. Claim 22 is supported by the sentence bridging pages 5-6 of the specification. Claim 22 also requires the use of the film of claim 1 and is thus also distinguished over the art of record.

In view of the above arguments and amendments to the claims, applicant respectfully requests reconsideration and allowance of all the claims which are currently pending in the application.

Respectfully submitted,

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Joseph DeBenedictis
Registration No. 28,502

BACON & THOMAS
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Phone: (703) 683-0500
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